

Appl. No.: 10/803,126
Docket No.: 9183M&
Supplemental Reply to Office Action mailed on April 27, 2007
Customer No.: 27752

REMARKS

An Office Action was mailed on April 27, 2007 and a reply was submitted on October 23, 2007. In the October 23, 2007 reply, Applicants amended claims 1, 14, 15, and 21, cancelled claim 4, and added claim 28. Accordingly, by virtue of the October 23, 2007 reply, claims 1-3, 8-9, 11-12, and 14-28 are currently pending.

In this supplemental reply, no claims have been deleted, amended or added. Applicants submit this supplemental reply only to provide further clarification and comments regarding the 35 USC §102(b) rejection over WO 01/00151. Applicants request the Examiner consider the instant supplemental reply in addition to the amendments and remarks submitted in the reply of October 23, 2007. Applicants submit no new matter is added herein.

Rejection Under 35 USC §102(b) Over WO 01/00151 (Gavin et al.)

Claims 15, 16, 21 and 23-25 were rejected under 35 USC §102(b) as anticipated by International Patent Application No. WO 01/00151 to Gavin, et al. (hereinafter "Gavin, et al.") as evidenced by the Mineral Willemite.

In addition to the arguments previously submitted in the reply of October 23, 2007, please consider the additional arguments which provide further clarification on the differences between the claimed invention and the cited reference.

The Office Action states that Gavin, et al. discloses the zinc salt of silicate, which is also known as the mineral Willemite. However, Willemite is a subgroup of zinc silicates that is not a layered material due to its polyhedral structure.

The Office Action asserts that the instant application teaches a non-limited list of natural and synthetic zinc layered materials. However, the instant specification requires that the zinc salts disclosed therein be layered materials. An example of a layered material is the subgroup of zinc silicates known as "phyllosilicates", which are alluded to in the present specification. Applicants submit that mere mention in Gavin, et al. of the group "zinc silicates" in a wish-list that includes a myriad of zinc salts does not teach in favor of the selection any specific layered

materials, such as the phyllosilicates disclosed in the instant specification, much less layered materials having an augmentation factor as instantly claimed.

Applicants note that not all silicates are layered materials. Silicates are divided into various subclasses by their structures. These subclasses include: Nesosilicates (single tetrahedrons), Sorosilicates (double tetrahedrons), Inosilicates (single and double chains), Cyclosilicates (rings), Phyllosilicates (sheets) and Tectosilicates (frameworks). Information concerning silicate subclasses and their structures is provided at <http://www.galleries.com/minerals/silicate/class.htm>, a copy of which is enclosed herein. Therefore, while phyllosilicates have a layered structure, Willemite does not and instead has a polyhedral structure. The fact that one silicate, or one class of silicates, has a layered structure, does not suggest that other silicates or classes of silicates necessarily have a layered structure.

Accordingly, Applicants submit that mere mention of “zinc silicate” in Gavin, et al. is not anticipatory or suggestive of a zinc containing *layered material* (herein after referred to as “ZLM”) which comprises layers having gallery ions between the layers. Indeed, zinc silicate is not even listed, mentioned or suggested in the description of ZLM in the present specification. Applicants note the present specification at page 4, lines 24-29 merely discloses that that *many* ZLM’s occur naturally as minerals. However, as explained in detail above, Applicants submit that not *all* naturally occurring zinc minerals are layered materials. As noted at page 6, lines 18-23 of the present specification, a zinc containing layered material comprises layers having gallery ions located between the layers.

In conclusion, Applicants submit that mere mention of “zinc silicate” along with many other zinc salts in Gavin, et al. is not anticipatory or suggestive of a zinc containing layered material as described and claimed herein.

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Conclusion

In light of the above remarks in combination with the response filed on October 23, 2007, it is requested that the Examiner reconsider and withdraw the rejections issued in the Office Action of April 27, 2007. Early and favorable action in the case is respectfully requested.

This supplemental reply, in combination with the reply submitted on October 23, 2007, represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-3, 8-9, 11-12, and 14-28 is requested.

Respectfully submitted,
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Signature

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